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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/638,270

Applicant(s)

DENIOUS ET AL.

Examiner

Kathleen M Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 42-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 42-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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#### **DETAILED ACTION**

In response to amendment filed 06/10/2002, claims 14-41 have been cancelled; claims 1-13 and newly added claims 42-61 are pending.

#### ***Election/Restrictions***

1. Applicant's election of Group 1 claims 1-14 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction requirement is deemed proper and is therefore made **FINAL**.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "assigning the at least one possible role assignment to each student of the course" is unclear. It is confusing as to whether the applicant intends for each student of the course to be assigned the same role or whether each student is assigned a different role. Clarification in the language is required.

Claims 2-13 are rejected for their incorporation of the above through their dependencies.

#### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 8, 9, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenfield et al (US 6358053 B1). Regarding claim 1, Rosenfield et al teaches a method for providing an electronic course for instruction of students via an electronic communication network which includes the steps of: describing an illustrative scenario for an electronic course (described as a scene by Rosenfield et al); defining at least one possible role assignment for a corresponding student of the course based on the illustrative scenario ("each student can take control of an avatar in the interactive scene" col. 2: 5-6.); providing a task for the student based on the role assignment and the scenario ("In addition the teacher can also have presented on its client workstation a list of study goals...", col. 4:26-29); establishing a guidance system accessible to the student over the electronic communication network to provide guidance for solving the task ("Study aids can include conversation topics, new vocabulary to be introduced into a conversation, new artifacts to be introduced into the scene or any other programmable entity that may aid in instruction.", col. 4: 20-24); and assigning the at least one possible role assignment to each student of the course (see the above statement that each student takes control of an avatar). The electronic tools of claim 2 correspond to the "study aids" of Rosenfield et al.

Regarding claims 8 and 9, the electronic library and specific types of presentations corresponds to "In addition the professor can create video clips, audio clips, simulations, animated concepts,

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multimedia presentations and passive illustrations to be used during the instructional sessions", col. 6: 33-36.

Regarding claim 11-13, real-time communication with other students and the instructor is provided through the session, e-mail communication is shown in col. 3: 1-6.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfield et al (US 6358053 B1) in view of Cook et al (US 5727950). Rosenfield et al does not teach the specific electronic tool of a calculator. Cook et al teaches about tools and a calculator in col. 10: 26-30. As the system of Cook et al is equally applicable to any area of instruction it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the agent system of Cook et al with the educational program of Rosenfield et al in order to provide a more effective and robust guidance system.

9. Claims 4-7, and 42-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfield et al (US 6358053 B1) in view of Frasson et al (US 6341960 B1). Rosenfeld does not teach:

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tailoring the level of guidance to the student based on an assigned level of the student (claims 4 and 42), tailoring the level of guidance to the student based on an assigned level of the student from previous feedback from an instructor during the course (claims 5 and 43), developing a hint on solving a task as the lowest level of guidance (claims 6, 44, and 51), developing a specific direction on solving a task as a highest level of guidance (claims 7, 45 and 52), and associating a group of different levels of guidance for a task and allowing a student to select one or more desired levels of guidance from the levels of guidance available (claims 10 and 58).

Frasson et al teaches a system for networked education including several cognitive agents. Col. 1: 66- col. 2: 5 teaches: "...comprising providing tutorial curriculum data including help data to the learner station, the help data having a profile identifier for identifying the help data as belonging to one of at least two learning model strategies, choosing a learning strategy for the learner, selectively presenting the help data as part of the tutoring information based on the selected learning strategy". This section teaches that several available strategies are available. The use of hints is taught in col. 3: 57-60. A full level tutorial (specific guidance as to how to perform a task) is taught at col. 3: 66- col. 4: 6. The specific selections of the learning data, either through previous history of the student or direct student selection in col. 4: 33-50.

Rosenfield et al allows for the introduction of other study aids in the statement "or any other programmable entity that may aid in instruction" in col. 4: 23-24. Frasson et al teaches a complex help system with learning aids. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the aspects of the Frasson et al method, with that of the Rosenfield et al method in order to provide a more robust help system.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-13 and 42-61 have been considered.

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**Conclusion**

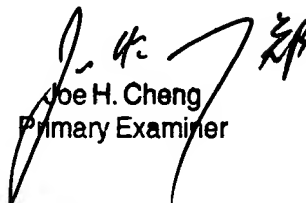
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Eisendrath et al (US 6347333 B2) teaches an online system where students may form work groups to complete various tasks or projects.
12. Due to the new grounds of rejection of previously cited allowable subject matter, this action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
Kathleen M. Christman  
Patent Examiner  
August 22, 2002

  
Joe H. Cheng  
Primary Examiner